



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PUGET SOUND ENERGY, INC. REQUEST FOR WAIVER OF THE JANUARY 1, 2013 VHF-UHF NARROWBANDING DEADLINE

WT Docket 99-87

Comment Date: May 24, 2012

Reply Comment Date: June 4, 2012

By this *Public Notice*, comment is sought on the request, filed on April 6, 2012 and supplemented on April 24, 2012,¹ of Puget Sound Energy, Inc. (PSE) for a temporary waiver of the Commission's VHF-UHF narrowbanding deadline, which requires private land mobile radio (PLMR) licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.² PSE seeks a 10-month extension of the deadline, until October 31, 2013, for thirty-three PLMR stations.³

PSE provides electric and natural gas service to more than one million customers in a service territory of more than 6,000 square miles in western Washington. It currently operates multiple incompatible systems in different frequency bands. In conjunction with modifying its facilities to meet the narrowbanding standard, PSE is completely rebuilding its PLMR facilities as a consolidated interoperable system. The new system will consist of more than sixty radio sites, with seventy-five console positions and approximately two thousand subscriber units. PSE states that the new system will improve the safety and reliability of its utility operations.

PSE has already allotted the necessary funding and acquired the equipment for the new system. Due to climate and geography in the Pacific Northwest, however, PSE can safely and reasonably deploy

¹ See Request for Extension of Narrowbanding Deadline and for Extended Implementation Authority (filed April 6, 2012); Letter dated April 24, 2012 from Jeffrey L. Sheldon, Counsel for Puget Sound Energy, Inc. to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

² See 47 C.F.R. § 90.209(b)(5); see also Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004).

³ The call signs for which PSE requests a waiver are listed in the Attachment to this *Public Notice*. In addition, PSE seeks a waiver of Section 90.155 of the Commission Rules, 47 C.F.R. § 90.155, requesting an extension of the construction deadlines for fourteen narrowband PLMR stations for which it is licensed. This *Public Notice* does not seek comment on the construction extension request.

base station equipment only from late spring to early fall. PSE anticipates completing the major portion of the network in 2012, but does not expect to complete construction and testing until the 2013 deployment season. PSE states that the new system cannot be operated until all stations are completed, so it must use its current facilities until it migrates users to the new system. PSE anticipates being able to relinquish a substantial number of its current VHF and UHF frequencies once the migration is complete.

We seek comments evaluating the waiver request in light of the July 13, 2011 *Public Notice* providing guidance on the submission of requests for waiver of the narrowband deadline.⁴ In particular, we seek comment from parties whose operations could be impacted by grant of the waiver.

Procedural Matters

Comments are due no later than May 24, 2012. Reply comments are due no later June 4, 2012. All filings should reference the docket number of this proceeding, WT 99-87.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

The waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>, under the call signs listed in the Attachment. The request, and comments and reply comments filed in response to this *Public Notice*, will be available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 99-87. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Comments may be filed using the ECFS or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen,

⁴ See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminders of the January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (WTB/PSHSB/OET 2011); see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline, *Public Notice*, 27 FCC Rcd 1936 (WTB/PSHSB 2012).

⁵ See 47 C.F.R. §§ 1.1200(a), 1.1206.

commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-All hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Ms. Stana Kimball of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-1306, or via e-mail at Stanislava.Kimball@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

- FCC -

ATTACHMENT

CALL SIGNS FOR WHICH WAIVER OF SECTION 90.209(B) IS REQUESTED

KB84718
KB88137
KE7734
KGQ933
KNDS949
KNGD316
KOB408
KOF303
KOL304
WNAK427
WNDK618
WNGP437
WNGX308
WNPW453
WNPY247
WNPZ378
WNPZ380
WNQB832
WNQX240
WNRJ531
WNVS282
WNWB592
WNXC741
WNXX899
WNYG522
WPAH895
WPNR563
WPZK229
WPZP436
WPZU454
WQGT731
WQLW916

The request also lists Call Sign KBV811, but that license has expired.